



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN SUPPORT OF:

**S.B. NO. 856: AN ACT CONCERNING DOMESTIC VIOLENCE**

JOINT COMMITTEE ON PUBLIC SAFETY AND SECURITY  
February 21, 2013

The Division of Criminal Justice respectfully recommends the Committee's **JOINT FAVORABLE REPORT** for **S.B. No. 856, An Act Concerning Domestic Violence**. S.B. No. 856 increases the penalty for serious physical assaults against household members. Typically, the victims of such assaults are females, who are at a physical disadvantage relative to their male spouses, boyfriends, and fathers of their children. Many of these assaults, though quite serious in terms of injuries, are not committed in the aggravated manner or under the aggravated circumstances set forth in the present version of the Assault in the First Degree statute, and thus often are prosecutable only as the class D felony of Assault in the Second Degree.

The Connecticut Supreme Court recently held in *State v. LaFleur*, 307 Conn. 115 (2012), that a human fist is not a "dangerous instrument." Short of beating a housemate to death, an assaulter can effectively use his bare fists to impose extremely serious injuries without committing Assault in the First Degree. In the *LaFleur* case the defendant assaulted the victim with his fists causing her to sustain "a number of facial fractures, including fractures to both bones in her nose, multiple fractures of the right eye socket and sinus ..., " but because a fist is not a deadly weapon or dangerous instrument, it did not constitute Assault in the First Degree.

S.B. No. 856 would extend the crime of Assault in the First Degree to "family or household" members as defined in Section 46b-38a (2): (A) spouses, former spouses; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) persons sixteen years of age or older other than those persons in subparagraph (C) presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship regardless of the age of such person."

The Division of Criminal Justice respectfully recommends the Committee's **JOINT FAVORABLE REPORT** for S.B. No. 856. We would be happy to provide any additional information the Committee might require or to answer any questions you might have. Thank you.